

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFREY A. BORING,

Plaintiff

v.

**JO ANNE BARNHART,
COMMISSIONER OF SOCIAL
SECURITY**

Defendant

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CIVIL ACTION NO. 1:04-CV-2137

(Judge Conner)

ORDER

AND NOW, this 14th day of February, 2006, upon consideration of plaintiff's motion for reimbursement of the filing fee (Doc. 19), see 28 U.S.C. § 2412(a)(1) ("[A] judgment for costs, as enumerated in section 1920 of this title, . . . may be awarded to the prevailing party in any civil action brought by or against the United States A judgment for costs when taxed against the United States shall . . . be limited to reimbursing in whole or in part the prevailing party for the costs incurred by such party in the litigation."); see also 28 U.S.C. § 1920, to which defendant concurs (see Doc. 19 at 3), and it appearing that plaintiff is the prevailing party in the above-captioned case, see Shalala v. Schaefer, 509 U.S. 292, 302 (1993) ("[A] party who wins a . . . remand [for reasons other than the addition of new evidence] is a prevailing party."); see also Johnson v. Gonzales, 416 F.3d 205, 209 (3d Cir. 2005); Kadelski v. Sullivan, 30 F.3d 399, 401 n.2 (3d Cir. 1994), it is hereby ORDERED that:

1. Plaintiff's motion for reimbursement of the filing fee (Doc. 19) is GRANTED.
2. Plaintiff is AWARDED costs in the amount of \$150.00. See 28 U.S.C. §§ 1920, 2412(a)(1). Defendant shall pay this amount to plaintiff's attorney, Joanne B. Kehr, Esquire.

/s/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge